DOCUMENT RESUME

ED 031 364 RC 003 595

Indians of Maine.
Maine State Dept. of Health and Welfare, Augusta.
Pub Date 64
Note-14p.
EDRS Price MF-$0.25 HC-$0.80
Descriptors-*American Indians, *Educational Opportunities, Employment Problems, Federal Aid, Governing Boards, *Governmental Structure, Laws, Population Distribution, State Aid, *State Legislation, *State Programs, Welfare
Identifiers-*Maine, Passamaquoddys, Penobscots

The relationships between the Penobscot and Passamaquoddy Indian Tribes and the State of Maine began in the 1820's. Treaties have left the Penobscot tribe with ownership of 146 islands in the Penobscot River while the Passamaquoddy tribe lives on land owned by the State. Both tribes presently have trust funds derived from the sale of land, and use the monies for the benefit of their tribes. The State is responsible for the basic education of the Indian children and provides 3 reservation schools through the fifth grade; from the sixth grade Indian children are sent to the nearest municipally operated grade school, and tuition is paid for students at any high school within the State. Exceptional students may have their college tuition paid by the State. The tribes also qualify for certain state and federal welfare programs. There is little governmental power vested in various elected tribal officials since the tribes do not possess any real type of municipal organization, but additional responsibilities have been delegated to them since 1963. The tribes are confronted with employment problems and receive continued State assistance to improve their conditions and opportunities. (DB)

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INDIANS OF MAINE

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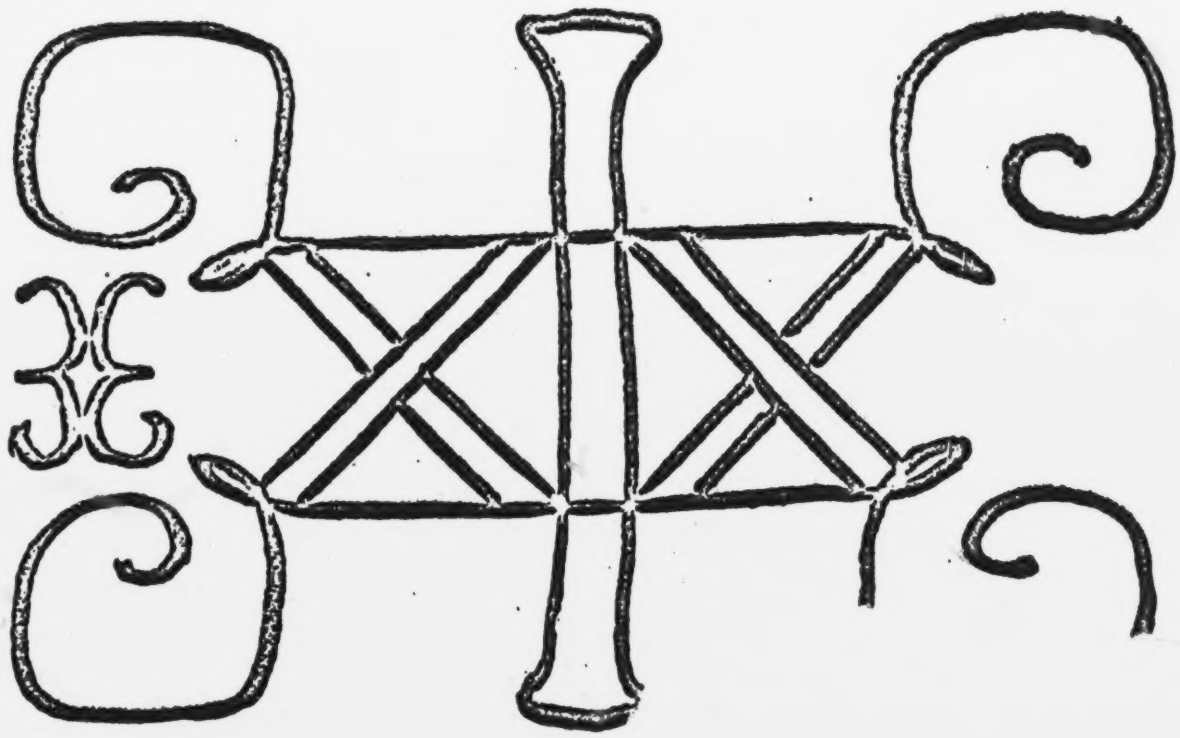

RC003595

The Cover Design is of Penobscot origin

and denotes the union of Tribes.

It is taken from, Frank G. Speck,

The Double-Curve Motive in Northeastern Algonkian Art,

Ottawa, 1914, Figure 5 B

This Material Assembled by

Division of General Assistance and Indian Affairs

Maine State Department of Health and Welfare

Revised 1964

MAINE INDIANS

When Maine became a State in 1820, the responsibilities of the Commonwealth of Massachusetts toward the aboriginals living within the borders of the new State were assumed by that State. The relationship with the Penobscot Indian Tribe was formalized by a Treaty made on August 17, 1820, between representatives of the Tribe, including the famous John Neptune, who was then Lieutenant Governor, and a Committee headed by William D. Williamson, which represented the State of Maine. This Treaty, in general, conferred upon the State of Maine, ownership of certain lands on both sides of the Penobscot River, formerly Tribal property, which had been purchased by Massachusetts by Treaty dated June 29, 1818.

The terms of the Treaty included the erection by the State of a Store on Old Town Island, as well as the delivery of, "one six-pound cannon, a swivel, fifty knives, six brass kettles, two hundred yards of calico, two drums, four fifes, one box pipes, three hundred yards ribbon". There were also to be annual deliveries of food, blankets, broadcloth, powder, shot, chocolate, tabacco, and other items.

In 1833, four Townships belonging to the Tribe and specifically excepted from the Treaty of 1820, were purchased for the sum of $50,000 by a State Commission composed of A. M. Roberts and Thomas Bartlett. This money was placed in trust for the Tribe in the Treasury of the State and the interest was to be used for the benefit of the Tribe, under the general control of the Governor and Council of the State

No further Treaty activity was entered into by the State with the Penobscot Tribe after this date.

As far as can be ascertained no Treaties or agreements were ever contracted between Maine and the Passamaquoddy Tribe. In 1794 Massachusetts had acquired all the lands of the Passamaquoddy Tribe and by the Act of Separation of 1819, title of this land passed to the State of Maine along with other State-owned land.

At the present time the Penobscot Indians privately own all the islands in the Penobscot River northward from and including Indian Island at Old Town, up to Mattawamkeag. In 1952 a study of these islands made by the James W. Sewall Company of

Old Town, showed that one hundred forty-six were still in existence, but only one, that at Old Town, was inhabited. The question of title to these islands and the lots upon them, among the Tribal members is at the present time unable to be clarified due to the lack of consistent registration of deeds at the Penobscot County Registry.

It is sufficient to state that the land is privately owned, and the ownership is restricted to Tribal members.

The Passamaquoddy Indians on the other hand own no lands of their own whatsoever but have reserved for their use by the State, a one-hundred-acre plot at Pleasant Point near Eastport, and a seventeen-thousand-acre Township north of Princeton which includes the so-called Peter Dana Point Settlement.

The State has the legal right to lease or sell any part or all of these lands.

By statute the Commissioner of the State Forest Service manages the use of the Indian Township land for the benefit

of the Passamaquoddy Tribe. An arrangement has been worked out with the University of Maine Forestry Department and certain pulpwood companies, which is very advantageous for the Tribe.

Both Tribes have Trust Funds established by Acts of the Legislature with monies principally derived from sale of lands. These funds have been augmented by income from forest products and various rentals and leases. At the present time the Penobscot Fund contains about $95,000 and the Passamaquoddy Fund about $90,000. About $100,000 has been taken from the latter Fund in the past five years to construct new housing for the Tribe. It is permitted to use the capital of these Trust Funds only if means are available to replace the amount used. Since the Passamaquoddy Tribe has income from the Indian Township forest operations, their Fund can be used from time to time. The Penobscot Tribe no longer has tribal income of any sort and the capital is therefore not available. They did at one time have some income from the leasing of shore property on their islands for anchoring booms during logging drives.

Since 1945 interest from all State Trust Funds, including those of the Indians, has been credited to the unappropriated and surplus account of the State. Current appropriations for the Indian Tribes are in lieu of all other incomes.

Recent appropriations for the Penobscot Tribe are in the vicinity of $45,000 per year; for the Passamaquoddy Tribe, $135,000. These monies are used for education, maintenance of building, municipal services such as sewage, water, fire protection, and welfare purposes.

The State of Maine has assumed full responsibility for the basic education of Indian children. All three Reservations have Grade Schools staffed by teaching Sisters under the supervision of the nearest regular School Union Superintendent. From the Sixth Grade onward the children of the Penobscot Reservation are sent to the nearest municipally operated Grade School. Qualifying scholars may continue at any High School within the State with tuition paid by the State.

Exceptional students who wish to continue with College education or vocational training are encouraged to do so and

tuition may be paid by the State. Room and board, however, if necessary, must be supplied by the student's family or himself.

In addition to direct welfare benefits in kind, Tribal members both on and off the Reservations, are eligible for all the normal benefits conferred upon residents of the United States through the provisions of the Social Security Act. This includes participation in the Aid to Dependent Children Program, Old Age Assistance, Aid to the Disabled and Aid to the Blind. They are also eligible for Medical Aid to the Aged under the Kerr-Mills Act.

The Surplus Food Program, an activity of the United States Department of Agriculture, is also made available to Tribal members on the Reservations.

The disbursement of funds appropriated by the State Legislature for the Indian Tribes, is initially approved by resident Indian Supervisors, one for each Tribe, who are regular State employees.

They are part of the Division of General Assistance and Indian Affairs, which was created in 1962 by the Commissioner of Health and Welfare pursuant to the Law as an enlargement of the already existing Division of General Relief.

The Department of Health and Welfare was given the responsibility for Indian Affairs in 1933 after the Forestry Department had had it for three years. Up until 1929 this responsibility had rested with the Governor of the State and his Council.

The actual number of pure-blood members of either Tribe is not ascertainable but must be very small since inter-marriage with other Tribes, as well as with whites, has been going on for centruies. By statute a person must be one-quarter Indian blood to be considered an Indian. This law is of importance especially to the Penobscot Tribe which is the only one having a State Law regulating adoption into the Tribe, as well as ownership of land on the Reservation.

Census lists are prepared annually by the Governors of the Tribes, with the concurrence of their Tribal Councils. The

Governors, their Lieutenants and their Councilors are elected biennially by popular vote. Each Tribe also elects a non-voting Representative to the State Legislature. There is usually an investiture ceremony combining religious and political aspects of the event.

There is a Governor and Lieutenant Governor at Indian Island, at Pleasant Point and at Peter Dana Point. The Penobscot Tribal Council consists of twelve members, and each Passamaquoddy Governor has a Council of Six members.

There is little governmental power vested in these elected officials, since the Tribes do not possess any real type of municipal organization. Up until the 101st Legislature in 1963, the Penobscot Tribal Government concerned itself only with controlling adoptions into the Tribe, preparation of an annual census and the appointment of Indian Constables to enforce State laws on the Reservation.

Now in addition to these responsibilities has been added those of collecting excise taxes on Tribal Indian-owned automobiles on the Reservation, as well as taxes on dogs owned by Tribal members, as well as non-Tribal members resident on the Reservation.

Monies from these revenue sources are handled entirely by the Tribal authorities and are to be expended by them for the good of the Tribe.

The Governor and Council of the Penobscot Tribe also received the authority to establish ordinances of a municipal nature. These ordinances are to be enforced by the Tribal Constables. It should be mentioned that the constitutionality of this law has been questioned.

The Passamaquoddy Tribal authorities, on the other hand, have only the duties of the preparation of an annual census and the appointment of Constables.

State Police and County Law enforcement officials also have the right to make arrests of both Tribal and non-Tribal personnel on the Reservations.

The members of both Tribes, if they meet regular State voting qualifications, may vote in all State and Federal elections.

As citizens of the State, they are subject to all State taxes, but as long as they live on the Reservations, Tribal members are exempt from property tax.

Economic conditions among members of the Penobscot Tribe are reasonably good. The Reservation is in an area where employment is readily available in shoe factories and other types of industry.

The geographical situation of the Passamaquoddy Reservations, however, militates against a high employment rate, and there is a concurrent lower standard of living in these areas. There is little manufacturing, and seasonal work in fish factories and in the blueberry fields is becoming less and less available as these industries dwindle in the area.

Pulp cutting offers seasonal employment to a limited number of younger men.

Basket making has been an Indian occupation for many years and is still carried on chiefly at the Passamaquoddy Reservations. Competitive imports, however, have steadily cut into the market and have forced disastrous price reductions. The industry is not attractive from a financial standpoint and few Tribal members continue the craft.

In numbers, the Tribes are showing a gradual increase. There are about six hundred inhabitants on Indian Island; about one hundred eighty at Peter Dana Point, and about three hundred at Pleasant Point. An undetermined number of both Tribes reside away from the Reservation, all over the United States.

Belonging as they do to the Abnaki Branch of the North American Indians, both Tribes originally spoke dialects of the Algonkin Language. The Passamaquoddy Tribe still use their language in every day life, but little use is made of the old tongue among the Penobscots. As yet there is nothing of a definite nature published on the language of the Maine Indians or upon their history.

It will be the continued endeavor of the Government of the State of Maine to improve conditions and opportunities for the Penobscot and Passamaquoddy Indians under limits imposed by the means available.

A brief bibliography of material in the State Library concerning the Maine Indians is appended.

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